

AMENDED IN ASSEMBLY MAY 30, 2017

AMENDED IN ASSEMBLY MAY 2, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1705

Introduced by Committee on Business and Professions (Assembly Members Low (Chair), Brough (Vice Chair), Arambula, Baker, Bloom, Chiu, Dahle, Gipson, Grayson, Holden, Mullin, Steinorth, and Ting)

March 2, 2017

An act to amend Sections 7200, 7203, 7215.6, and 7215.7 of, and to add and repeal Section 7218 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1705, as amended, Committee on Business and Professions. State Board of Guide Dogs for the Blind.

Existing law, until January 1, 2018, establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which consists of 7 members appointed by the Governor.

This bill would extend the term of the board to January 1, ~~2020~~ 2019. The bill would ~~establish~~ *establish, until May 1, 2019*, an advisory task force under the jurisdiction of the board. Not later than May 1, 2018, the bill would require the Director of Consumer Affairs to appoint the task force members. The bill would require the task force to prepare a specified written report with recommendations regarding, among other things, the role of the board. Not later than May 1, 2019, the bill would require the written report to be delivered to the Governor and certain legislative leaders and committees.

Existing law requires the board to organize and elect from its membership a president, vice president, and secretary who shall hold office for one year or until the election and qualification of a successor.

This bill would eliminate the secretary position.

Existing law, until January 1, 2018, establishes a pilot project to provide an arbitration procedure for the purpose of resolving disputes between a guide dog user and a licensed guide dog school, as specified.

This bill would extend the operation of that pilot project to January 1, ~~2020~~ 2019.

Existing law, until January 1, 2018, requires the board to prepare a factsheet regarding various functions of the board, to post that factsheet on its Internet Web site, and to provide copies to each of the licensed guide dog schools. Existing law, until January 1, 2018, also requires a licensed guide dog school to provide copies of the factsheet to every student receiving training from that school.

This bill would extend the operation of these factsheet provisions indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7200 of the Business and Professions
2 Code is amended to read:

3 7200. (a) There is in the Department of Consumer Affairs a
4 State Board of Guide Dogs for the Blind in whom enforcement of
5 this chapter is vested. The board shall consist of seven members
6 appointed by the Governor. One member shall be the Director of
7 Rehabilitation or his or her designated representative. The
8 remaining members shall be persons who have shown a particular
9 interest in dealing with the problems of persons who are blind or
10 visually impaired and at least three of them shall be persons who
11 are blind or visually impaired who use guide dogs.

12 (b) This section shall remain in effect only until January 1, ~~2020~~,
13 2019, and as of that date is repealed. Notwithstanding any other
14 law, the repeal of this section renders the board subject to review
15 by the appropriate policy committees of the Legislature.

16 SEC. 2. Section 7203 of the Business and Professions Code is
17 amended to read:

1 7203. The board shall organize and elect from its membership
2 a president and vice president who shall hold office for one year
3 or until the election and qualification of a successor.

4 SEC. 3. Section 7215.6 of the Business and Professions Code
5 is amended to read:

6 7215.6. (a) In order to provide a procedure for the resolution
7 of disputes between guide dog users and guide dog schools relating
8 to the continued physical custody and use of a guide dog, in all
9 cases except those in which the dog user is the unconditional legal
10 owner of the dog, the following arbitration procedure shall be
11 established as a pilot project.

12 (b) This procedure establishes an arbitration panel for the
13 settlement of disputes between a guide dog user and a licensed
14 guide dog school regarding the continued use of a guide dog by
15 the user in all cases except those in which the dog user is the
16 unconditional legal owner of the dog. The disputes that may be
17 subject to this procedure concern differences between the user and
18 school over whether or not a guide dog should continue to be used,
19 differences between the user and school regarding the treatment
20 of a dog by the user, and differences over whether or not a user
21 should continue to have custody of a dog pending investigation of
22 charges of abuse. It specifically does not address issues such as
23 admissions to schools, training practices, or other issues relating
24 to school standards. The board and its representative are not parties
25 to any dispute described in this section.

26 (c) The licensed guide dog schools in California and the board
27 shall provide to guide dog users graduating from guide dog
28 programs in these schools a new avenue for the resolution of
29 disputes that involve continued use of a guide dog, or the actual
30 physical custody of a guide dog. Guide dog users who are
31 dissatisfied with decisions of schools regarding continued use of
32 guide dogs may appeal to the board to convene an arbitration panel
33 composed of all of the following:

- 34 (1) One person designated by the guide dog user.
35 (2) One person designated by the licensed guide dog school.
36 (3) A representative of the board who shall coordinate the
37 activities of the panel and serve as chair.

38 (d) If the guide dog user or guide dog school wishes to utilize
39 the arbitration panel, this must be stated in writing to the board.
40 The findings and decision of the arbitration panel shall be final

1 and binding. By voluntarily agreeing to having a dispute resolved
2 by the arbitration panel and subject to its procedures, each party
3 to the dispute shall waive any right for subsequent judicial review.

4 (e) (1) A licensed guide dog school that fails to comply with
5 any provision of this section shall automatically be subject to a
6 penalty of two hundred fifty dollars (\$250) per day for each day
7 in which a violation occurs. The penalty shall be paid to the board.
8 The license of a guide dog school shall not be renewed until all
9 penalties have been paid.

10 (2) The penalty shall be assessed without advance hearing, but
11 the licensee may apply to the board for a hearing on the issue of
12 whether the penalty should be modified or set aside. This
13 application shall be in writing and shall be received by the board
14 within 30 days after service of notice of the penalty. Upon receipt
15 of this written request, the board shall set the matter for hearing
16 within 60 days.

17 (f) As a general rule, custody of the guide dog shall remain with
18 the guide dog user pending a resolution by the arbitration panel.
19 In circumstances where the immediate health and safety of the
20 guide dog user or guide dog is threatened, the licensed school may
21 take custody of the dog at once. However, if the dog is removed
22 from the user's custody without the user's concurrence, the school
23 shall provide to the board the evidence that caused this action to
24 be taken at once and without fail; and within five calendar days a
25 special committee of two members of the board shall make a
26 determination regarding custody of the dog pending hearing by
27 the arbitration panel.

28 (g) (1) The arbitration panel shall decide the best means to
29 determine final resolution in each case. This shall include, but is
30 not limited to, a hearing of the matter before the arbitration panel
31 at the request of either party to the dispute, an opportunity for each
32 party in the dispute to make presentations before the arbitration
33 panel, examination of the written record, or any other inquiry as
34 will best reveal the facts of the disputes. In any case, the panel
35 shall make its findings and complete its examination within 45
36 calendar days of the date of filing the request for arbitration, and
37 a decision shall be rendered within 10 calendar days of the
38 examination.

39 (2) All arbitration hearings shall be held at sites convenient to
40 the parties and with a view to minimizing costs. Each party to the

1 arbitration shall bear its own costs, except that the arbitration panel,
2 by unanimous agreement, may modify this arrangement.

3 (h) The board may study the effectiveness of the arbitration
4 panel pilot project in expediting resolution and reducing conflict
5 in disputes between guide dog users and guide dog schools and
6 may share its findings with the Legislature upon request.

7 (i) This section shall remain in effect only until January 1, ~~2020~~,
8 ~~2019~~, and as of that date is repealed.

9 SEC. 4. Section 7215.7 of the Business and Professions Code
10 is amended to read:

11 7215.7. (a) The board shall prepare a factsheet that shall
12 contain all of the following:

13 (1) A description of the purposes served by the board.

14 (2) A description of the board's role in assisting guide dog users
15 who are victims of alleged guide dog discrimination.

16 (3) A description of the board's arbitration procedure under
17 Section 7215.6.

18 (b) The board shall post the factsheet on its Internet Web site
19 and provide copies to each guide dog school licensed pursuant to
20 this chapter. A school licensed under this chapter shall provide a
21 copy of the factsheet to every student receiving training from that
22 school.

23 SEC. 5. Section 7218 is added to the Business and Professions
24 Code, to read:

25 7218. (a) An advisory task force is hereby established under
26 the jurisdiction of the board. Not later than May 1, 2018, the
27 Director of Consumer Affairs shall appoint the members of the
28 task force.

29 (b) The task force shall prepare a written report with
30 recommendations on the role and the mission of the board and if
31 there is a continued need for the regulation of guide dog schools,
32 guide dog trainers, and fundraising programs.

33 (c) (1) Not later than May 1, 2019, the written report shall be
34 delivered to the Governor, the Senate Committee on Rules, the
35 Speaker of the Assembly, the Assembly Committee on Business
36 and Professions, and the Senate Committee on Business,
37 Professions and Economic Development.

38 (2) The report shall be submitted in compliance with Section
39 9795 of the Government Code.

1 (d) This section shall remain in effect only until May 1, 2019,
2 and as of that date is repealed.

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